

AMENDED IN ASSEMBLY APRIL 19, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1435**

**Introduced by Assembly Member Evans**

February 22, 2005

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An act to amend ~~Section 76100~~ *Sections 70403 and 76100* of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1435, as amended, Evans. Courthouse Construction Fund.

Existing law authorizes the board of supervisors of any county to establish in the county treasury a Courthouse Construction Fund into which penalties collected by the counties on fines for criminal offenses are deposited for the purpose of assisting the county in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system. *Existing law requires counties to make reports to the Administrative Office of the Courts and to the Department of Finance accounting for the receipt and expenditure of these funds, as specified, and provides that funds used for purposes other than ones specifically permitted must be repaid.*

This bill would authorize moneys in the Courthouse Construction Fund to also be used for the purpose of assisting the county in the acquisition, rehabilitation, construction, and financing of court facilities. *This bill would specify that certain of the changes it makes are declarative of existing law and would require that these provisions be used to make determinations regarding whether the funds described above were used for authorized purposes. The bill would require the Judicial Council to submit a report on county receipts and*

*expenditures in connection with these funds to the Legislature on or before January 1, of each year.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 70403 of the Government Code is*  
2     *amended to read:*

3     70403. (a) Each county shall submit a report to the  
4     Administrative Director of the Courts and the Director of Finance  
5     accounting for all receipts and expenditures from the local  
6     courthouse construction fund established pursuant to Section  
7     76100 for the period from January 1, 1998, to the date of transfer  
8     of the fund pursuant to subdivision (a) of Section 70402 or  
9     December 31, 2005, whichever is earlier.

10    (b) If the county retains the fund under subdivision (a) of  
11    Section 70325 for payment on existing bonded indebtedness of a  
12    courthouse facility, the county shall submit annual updates on all  
13    receipts and expenditures from the local courthouse construction  
14    fund, within 90 days of the end of each fiscal year, to the  
15    Administrative Director of the Courts and the Director of  
16    Finance.

17    (c) Any expenditures made from the fund for a purpose other  
18    than those specified in Section 76100 must be repaid to the state  
19    for deposit in the State Court Facilities Construction Fund  
20    pursuant to Section 70402. Either the Administrative Director of  
21    the Courts or the Director of the Department of Finance may  
22    provide the county with notice that an expenditure made from the  
23    fund was for a purpose other than as specified in Section 76100.  
24    If the county disagrees with the determination, it may appeal the  
25    determination to the Court Facilities Dispute Resolution  
26    Committee pursuant to Section 70303.

27    (d) *On or before January 1, 2007, and on or before each*  
28    *January 1, thereafter, the Judicial Council shall submit a report*  
29    *to the budget and fiscal committees of the Legislature based on*  
30    *the information received from counties pursuant to this section.*

31    ~~SECTION 1.~~

32    *SEC. 2. Section 76100 of the Government Code is amended*  
33    *to read:*

1     76100. (a) Except as provided in Article 3 (commencing with  
2     Section 76200), for the purpose of assisting any county in the  
3     acquisition, rehabilitation, construction, and financing of  
4     courtrooms, a courtroom building or buildings containing  
5     facilities necessary or incidental to the operation of the justice  
6     system, or court facilities, the board of supervisors may establish  
7     in the county treasury a Courthouse Construction Fund into  
8     which shall be deposited the amounts specified in the resolutions  
9     adopted by the board of supervisors in accordance with this  
10    chapter. The moneys of the Courthouse Construction Fund shall  
11    be payable only for the purposes set forth in *this subdivision and*  
12    *in* subdivision (b) and at the time necessary therefor, subject to  
13    the requirements set forth in Chapter 5.7 (commencing with  
14    Section 70301).

15    (b) In conjunction with the acquisition, rehabilitation,  
16    construction, or financing of court buildings referred to in  
17    subdivision (a), the county may use the moneys of the  
18    Courthouse Construction Fund for either of the following:

19    (1) To rehabilitate existing courtrooms, an existing courtroom  
20    building or buildings, or court facilities, for other uses if a new  
21    courtroom, a courtroom building or buildings, or court facilities  
22    are acquired, constructed, or financed.

23    (2) To acquire, rehabilitate, construct, or finance excess  
24    courtrooms, an excess courtroom building or buildings, or excess  
25    court facilities, if that excess is anticipated to be needed at a later  
26    time.

27    (c) Any excess courtroom, excess courtroom building or  
28    buildings, or excess court facilities, that are acquired,  
29    rehabilitated, constructed, or financed pursuant to subdivision (b)  
30    may be leased or rented for uses other than the operation of the  
31    justice system until the excess courtrooms, excess courtroom  
32    building or buildings, or excess court facilities, are needed for the  
33    operation of the justice system. Any amount received as lease or  
34    rental payments pursuant to this subdivision shall be deposited in  
35    the Courthouse Construction Fund.

36    (d) The fund moneys shall be held by the county treasurer  
37    separate from any funds subject to transfer or division pursuant  
38    to Section 1463 of the Penal Code.

39    (e) *The amendments made to subdivision (a) by the act adding*  
40    *this subdivision are declarative of existing law and shall be used*

1 *for determinations made pursuant to subdivision (c) of Section*  
2 *70403.*

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